

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2020-275-S

IN RE: Application of Condor Environmental, Inc., Requesting An Expansion of Its Existing Sewer Service Area To Include Certain Portions of Anderson County and Saluda County and Approval of Agreement

**MOTION TO ALLOW SERVICE ON A PROVISIONAL BASIS
(EXPEDITED CONSIDERATION REQUESTED)**

Pursuant to S.C. Code Ann. § 58-5-240(G)¹, Condor moves the Commission for permission to provide sewer service to the Carriage Hill and Palmetto Pointe subdivisions on a provisional basis. ORS is reviewing Condor’s Application, and the Commission must consider the parties’ recommendations. However, customers are moving into the two subdivisions and require service.

Carriage Hill is a new subdivision in a rapidly growing part of Anderson County. It has a gravity sewer system with treatment service provided by Easley Combined Utilities (“ECU”). *See* Application, Exhibits A-G. In its Application, Condor proposes to charge the same rates and fees approved by the Commission for sewer collection service for the Caledonia subdivision in Anderson and Spartanburg Counties. *See* Order No. 2016-74, Docket No. 2015-24-S. In Order No. 2016-74, the Commission approved a monthly rate for Condor of \$12.00 per month, and a pass-through of ECU’s treatment charge, presently \$25.52 per month. The Commission also approved a \$300 tap fee. Condor respectfully requests permission to charge these rates and fees on a provisional basis.

¹ “Notwithstanding the provisions of this section, the Commission may allow rates or tariffs to be put into effect without a hearing upon order of the Commission when such rates or tariffs do not require a determination of the entire rate structure and overall rate of return, or when the rates or tariffs do not result in any rate increase to the public utility, or when the rates or tariffs are for experimental purposes.” S.C. Code Ann. § 58-5-240(G).

Eight homes in Carriage Hill are already receiving service, but Condor is not billing the Carriage Hill HOA because its Application has not been approved. Condor respectfully requests it be allowed to provide service for compensation to Carriage Hill on a provisional basis. Customers in Carriage Hill will not be prejudiced if the applied-for rate is implemented on a provisional basis. The developer and the HOA originally agreed to a monthly rate of \$14.98, so the provisional charge would be less than planned.

Palmetto Pointe is a new high-end waterfront neighborhood on the shores of Lake Murray in Saluda County. As discussed in the Application, Saluda County sewer service is not available for 48 of the 99 lots in the subdivision. These homes will use STEP² systems to discharge to a common drain field. The developer, Palmetto Pointe LLC, has contracted for Condor to own and operate its Onsite Wastewater System. The Onsite Wastewater System connects the STEP systems of the lots to a common drain field. *See* Application Exhibits H-L. The first home on Palmetto Pointe is expected to require service by the end of December.

In this Application, Condor has proposed an Initial Monthly Rate of \$8.80, anticipating it will apply for an increase of up to \$18.00 shortly thereafter. *See* Agreement, ¶ 4 (Exhibit H). The \$8.80 per home rate is the cost per home that would result from billing 48 homes in Palmetto Pointe at a neighborhood rate of \$422.50 per month, the rate the Commission approved for Condor's service to the Country Place subdivision, in which the utility provides similar service. *See* Order 2012-824, Docket No. 2012-315-S.³

² STEP is an acronym for "Septic Tank Effluent Pump. "In STEP systems, wastewater flows into a conventional septic tank to capture solids. The liquid effluent flows to a holding tank containing a pump and control devices. The effluent is then pumped and transferred for treatment [in this case to a drain field]." "Water Technology Fact Sheet - Sewers, Pressure" United States Environmental Protection Agency, <https://www.epa.gov/sites/production/files/2015-06/documents/presewer.pdf>

³ Country Place did not develop as planned. There are only 7 homes in the subdivision, so the actual cost of service per home in Country Place is much higher than \$8.80. The Country Place rate was set on a "flat fee" basis, regardless of the number of homes in the subdivision. Condor has negotiated its service rate in Palmetto Pointe on a

Condor requests it be allowed to provide service to Palmetto Pointe at the Initial Monthly Rate. Customers in the Palmetto Pointe subdivision will not be prejudiced if this rate is implemented on a provisional basis. The developer originally agreed to an \$18.00 monthly rate. Their neighbors in the subdivision who receive service from Saluda County will pay \$19.76 for up 2,000 gal., plus \$6.55 for every additional 1,000 gal., monthly.⁴ So, complaints about Condor's provisional rates are unlikely. There is also no dispute about Condor's ability to provide more than adequate service to Palmetto Pointe.

THEREFORE, Condor would respectfully request the Commission allow it to provide sewer service to Carriage Hill and Palmetto Pointe according to the terms of its Application on a provisional basis. If the Commission later decides a different rate is appropriate for Carriage Hill or Palmetto Pointe, Condor will forego the lost revenue that would result from an increase or provide bill credits if there is a decrease. Condor request the Commission grant this relief on an expedited basis without a hearing pursuant to S.C. Code Reg. § 103-802 and other applicable rules and regulations.

Respectfully submitted,

s/ Charlie Terreni

Date: November 23, 2020

Charles L.A. Terreni
 TERRENI LAW FIRM, LLC
 1508 Lady Street
 Columbia, South Carolina 29201
 Tel. (803) 771-7228
 charles.terreni@terrenilaw.com
 S.C. Bar. No. 15235

"per home" basis, and applied Country's place's subdivision wide rate to Palmetto Pointe's 48 homes to calculate the per home rate.

⁴ Saluda County Water and Sewer Authority – Rates and Policies. <https://www.scwsa.com/rates-and-policies>

VERIFICATION

I, Brad Weaver, declare that I am the Vice-President of Condor Environmental, Inc. and I verify that I have knowledge of the statements in this motion and that they are true and correct to the best of my knowledge, information, and belief.

Date: November 23, 2020


Brad Weaver